

Divorce

**in the Washington
Metropolitan Area**

**Women's
Legal Defense
Fund**

Table of Contents	Page
Introduction	1
Divorce Glossary	2
Absolute Divorce	4
Legal Separation - Limited Divorce	6
The Separation Agreement/Property Settlement	7
Alimony	8
Child Custody	10
Child Support	12
Property	15
Divorce Procedures	16
Annulment	20
Common Law Marriage	22
Remedies of Sorts for Battered Women	23
Choosing an Attorney	27
Resources for People in Domestic Crisis	28

Acknowledgements

This manual was written and edited by the Domestic Relations Counseling Committee of the Women's Legal Defense Fund.

The views of this manual are those of the authors.

The contents of this handbook may not be reproduced without the written permission of the Women's Legal Defense Fund.

© Women's Legal Defense Fund

Introduction

The Women's Legal Defense Fund is a non-profit organization that was organized in 1971 by a group of women attorneys dedicated to helping other women in their determination to achieve equal rights.

The Fund is a place where women can go for help with legal problems that have special effects on them as women -- sex based employment and credit discrimination, domestic relations and domestic violence, occupational safety and health concerns, pension and insurance rights.

Fund volunteers and staff have also worked to redress inequality and assist the victims of sex discrimination through litigation, counseling, educational activities, monitoring of the agencies that enforce laws prohibiting sex discrimination, lobbying, promoting appointments of women to public office, and community outreach.

Fund members voluntarily staff four counseling committees: Domestic Relations, Employment Discrimination, Credit Rights, and Name Change/Retention; and a committee on Occupational Safety and Health.

This manual has been prepared in response to the thousands of requests from women in the D.C. metropolitan area for legal assistance and advice on questions relating to divorce, separation, alimony, child custody and support, and other domestic relations problems. In spite of the gains many women have made in recent years toward economic independence and freedom of choice, the fact remains that when a marriage partnership is seriously disrupted, it is usually the woman who tends to bear the heavier burden of adjustment.

Ignorance and anxiety about how the legal system works, added to the emotional stress a divorce creates, may seriously interfere with a woman's capacity to make clear-headed decisions. This manual does not pretend to be a do-it-yourself guide, nor does it claim to cover thoroughly all legal aspects of divorce. It is offered rather as the beginning step toward looking at an emotion-laden situation from a legal and practical point of view.

The Domestic Relations Counseling Committee welcomes any questions you may have and any suggestions for improving its services. Please call the WLDF office Monday through Friday, 9:00 a.m. to 5:00 p.m. at 887-0364.

Divorce Glossary

When you begin to seek legal help to resolve problems in your marriage, you will hear many terms that you don't quite understand: absolute divorce, limited divorce, legal separation, legal maintenance, dissolution, contested divorce, uncontested divorce, annulment, common law marriage, separation agreement, no-fault, spousal support, etc., etc. Some of them refer to legal proceedings leading to different end results, while some of them are newly popular words for more familiar terms. For example, spousal support is the newer term for alimony; and dissolution is commonly used instead of divorce in no-fault states. The following are brief definitions only. Most of the concepts are discussed more fully in the manual. (See Table of Contents.)

Absolute Divorce

The combination of an absolute divorce with a separation agreement is the most common proceeding in dissolving a marriage. An absolute divorce, as the term implies, is the complete dissolution of a marriage which permits both parties to remarry. In some states a waiting period is required between the time the court signs the decree and the divorce becomes final.

Annulment

An annulment is a declaration that a valid marriage never existed.

Common Law Marriage

A marriage contracted without benefit of ceremony or legal license. The District of Columbia is one of the few jurisdictions in the country which still recognizes the concept of common law marriage. Those states which do not recognize common law marriage, however, will honor the marriage if it was validated and consummated in a jurisdiction which does honor it or honored it at the time the relationship began. Thus, while neither Virginia nor Maryland accept the concept of common law marriage, if a couple was "married" in D.C., Virginia and Maryland will accept them as properly married.

Contested Divorce

When the parties cannot agree on all the issues involved and the court is required to intervene and impose its decisions, the divorce is contested.

Legal Separation

In the District of Columbia and certain other jurisdictions, a limited divorce (see definition below) is called a legal separation. Some states require this proceeding before a couple can apply for a divorce. In other states, a negotiated separation agreement must be filed with the court before a separation may legally take place. Neither of these requirements applies to D.C.

Limited Divorce

A limited divorce is a court proceeding which attempts to resolve the problems in a troubled marriage without dissolving the marriage itself. This procedure may be adopted by couples whose religion frowns on absolute divorce, or because financial problems make an absolute divorce disadvantageous. It is also a useful tool for someone who wants to get into court to obtain a court decree for child custody and for support, but hasn't met the statutory grounds for an absolute divorce. The parties are not free to remarry. In Maryland and Virginia, a limited divorce is not a prerequisite to an absolute divorce.

No-Fault Divorce

Neither party needs to declare and prove that the other party is guilty of adultery or any other misbehavior that used to be the only grounds on which divorce was granted. Incompatability, irreconcilable differences and irretrievable breakdown of the marriage and/or separation for a requisite period of time are all that the parties need prove. Many no-fault states, however, still permit divorces on certain "fault" grounds, such as cruelty or desertion.

Pro Se Divorce

Filing for divorce without services of a lawyer -- "pro se," or "for oneself" -- can be done in many states. In most cases, however, it is preferable for both parties to be represented by a lawyer, except in a no-fault situation, between completely amicable parties, where no children are involved.

Rehabilitative
Maintenance

Spousal support or alimony granted for a limited period to permit the recipient to become self-supporting.

Separation
Agreement

A separation agreement is a legal and binding contract made between a divorcing or separating couple to resolve problems of division of property. It may also include spousal support, child support, child custody, debts and any other question involved with the dissolution of a marriage.

Uncontested
Divorce

This is granted when both parties are in complete agreement on the terms of the separation and both want the divorce.

Absolute Divorce

The combination of an absolute divorce with a separation agreement is the most common proceeding in dissolving a marriage. An absolute divorce, as the term implies, is the complete dissolution of a marriage -- which permits both parties to remarry. In some states a waiting period is required between the time the court signs the decree and the divorce becomes final, thus permitting the parties to remarry. In all states, one party must be a resident of that state for a certain amount of time before filing for divorce.

RESIDENCY REQUIREMENTS

District of Columbia: At least one of the parties must have resided in the District for at least six months prior to filing. This includes military personnel who are stationed here in line of duty.

Maryland: At least one of the parties must have resided in the state for at least one (1) year, to apply for a divorce on any grounds other than insanity. On grounds of insanity at least one of the parties must have resided in Maryland for at least two (2) years.

Virginia: At least one of the parties must have resided in the state for at least six (6) months. Military personnel meet the requirements if one party is stationed in Virginia in line of duty and both parties have lived in the state for at least six months prior to separation and continue to live in the state up to the time of filing suit.

GROUND S

District of Columbia

1. both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation for a period of six months prior to filing
2. both parties to the marriage have lived separate and apart without cohabitation for one year prior to filing

Maryland

1. impotency of either party at the time of marriage
2. any cause which by the laws of the State, renders a marriage null and void ab initio (at the beginning) (see section on Annulment)
3. adultery

4. when desertion or abandonment for an uninterrupted period of at least twelve months is deliberate and final, and the separation is beyond reasonable expectation of reconciliation (this includes constructive desertion, i.e., one spouse's behavior toward the other spouse is so intolerable that it forces the latter to leave the home)
5. when husband and wife have voluntarily lived separate and apart, without cohabitation for twelve consecutive months and such separation is beyond any reasonable expectation of reconciliation
6. when party complained against has been convicted of a felony or misdemeanor and been sentenced to serve at least three years in jail of which twelve months have been served
7. when either party has become permanently and incurably insane, and (1) confined in a hospital or asylum for at least 3 years or (2) the court makes a finding of permanent and incurable insanity based on the testimony of 2 or more doctors
8. when husband and wife have lived separate and apart without cohabitation and without interruption for three years

Virginia

1. adultery, sodomy, or buggery committed outside the marriage
2. when either party has been convicted of a felony, sentenced for more than one year and confined, and cohabitation was not resumed after knowledge of such confinement
3. either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or willfully deserts or abandons the other; the innocent party may be granted a divorce one year from the date of the act
4. when husband and wife have lived separate and apart without cohabitation and without interruption for one year
5. insanity
6. as of July 1, 1982, a person will be allowed to get a no-fault divorce after a six month separation if no children were born of the marriage and the parties entered into a separation agreement.

Legal Separation – Limited Divorce

These terms are often interchangeable and refer to a court proceeding which attempts to resolve the problems of a marriage without dissolving the marriage. In all three jurisdictions the same residency requirements hold as for absolute divorce. The courts have similar discretion in determining property settlements, child and spousal support, etc. However, a limited divorce or legal separation does not dissolve a marriage and therefore the parties are not free to remarry. It may be granted for a definite or an indefinite period and, upon application of both parties, may be revoked by the court. It is usually requested by a couple who do not wish to live together but for certain legal, financial, or religious reasons do not wish an absolute divorce. However, upon application of both parties it may be enlarged into an absolute divorce. Support, property settlements, child custody are within the discretion of the court and the same as if an absolute divorce is being considered. Grounds for legal separation/limited divorce are:

DISTRICT OF COLUMBIA

Courts may grant a legal separation from bed and board if:

1. both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation
2. if parties have lived separate and apart without cohabitation for one year
3. either party has committed adultery, or
4. either party has engaged in conduct which constitutes cruelty toward the other.

MARYLAND

Maryland courts may grant a limited divorce if any of the following can be shown:

1. cruelty of either party
2. excessively vicious conduct
3. abandonment and desertion
4. voluntary living separate and apart without cohabitation and when such separation is beyond any reasonable expectation of reconciliation.

VIRGINIA

Grounds are the same as for absolute divorce. Virginia courts have the option to decree a limited divorce when an absolute divorce has been applied for whenever the court determines that neither party is entitled to a divorce. The logic of this position seems to be that if both parties are guilty of misbehavior, generally adultery, in the eyes of the law they must be punished by being legally tied to each other and neither be permitted to marry other partners.

The Separation Agreement /Property Settlement

The Separation Agreement is a negotiated contract or instrument made between a couple contemplating separation, limited or absolute divorce, or an annulment. It can be treated as a legal contract separate and apart from the divorce decree. It may become part of the decree itself, or it can be incorporated into the decree while still retaining its status as an independent contract. Which course a couple takes depends on the particular circumstances and is best determined with legal assistance. When there is a considerable amount of property involved, the decision should probably include the services of a tax consultant and an accountant as well. In any event, an agreement made by a separating couple arrived at in an amicable, or at least cool, rational atmosphere, is an extremely important first step in what is probably one of the most traumatic of domestic experiences.

Basically, the separation agreement is a division of property and responsibilities that the divorcing couple has shared during the course of the marriage. An inventory would be the first important activity to start with. The following items are a guide to the wide range of questions that should be considered:

Alimony -- a lump sum or weekly or monthly payments? how much? over how long a period? cost of living increases? decrease or increase if the receiving spouse's income goes up or down? should it include life insurance on the paying spouse? what happens should he (or she) die while the receiving spouse is not yet self-supporting? tax implications?

Child Support -- how much for each child? paid weekly or monthly? do any of the children have special needs? how long should payment continue? until child is 18 or through medical school? does child support cover room and board at school as well as tuition or does it come out of alimony payments? costs for summer camp? special dance or music lessons? medical and dental costs? does the paying spouse have sufficient life insurance to cover these expenses in cases of untimely death? tax implications?

Child Custody -- should you consider joint custody? spell out visitation privileges? how are school holidays to be shared?

Outstanding Debts -- who pays the department store bills? other installment purchases, i.e., car, furniture? does the receiving spouse continue to have use of credit cards? if spouse and children continue to live in the family home, who pays the mortgage, taxes, utility and maintenance bills? who will be responsible for attorney fees and court costs and accountant costs?

Such a list of items to be considered can never be all inclusive nor applicable for every situation. But hassles over minor items of personal property can often cause more bitterness and disagreement than the disagreements over valuable property. Therefore, who gets the dog or cat, the books, the stereo equipment, the pictures, the photographs, the pots and pans, the silver and china and the wedding presents should all be itemized and assigned to one or the other party.

The couple should make every effort to agree between themselves who gets what and compromise whenever possible. If they cannot agree, litigation takes time and money, and will not necessarily make either partner more of a winner in the end.

Alimony

Alimony or "spousal support" may be granted by a court following an absolute or limited divorce, legal separation, or annulment. Support may also be granted while any of these proceedings are pending (pendente lite). A separate award to cover legal expenses incurred as a result of any of the proceedings may be granted by the court. These grants of support are separate from property settlements. (See section on PROPERTY.) Spousal support is also to be distinguished from child support. The specific amount of support, how and when it is to be paid, may be included in the separation agreement filed with the court as part of the divorce decree. In all three area jurisdictions either spouse may be required to make support payments to the other.

The courts generally will accept an agreement made between the two parties as to the amount of alimony. In D.C. if the amount of alimony was set in a separation agreement, the court will not modify the amount, so long as there was no fraud or coercion when the agreement was signed. In Maryland, parties can include a provision in the separation agreement waiving the court's jurisdiction to modify alimony. Such provisions are unfavorable to the spouse receiving alimony and should not be agreed to.

If the court is required to use its discretion in setting an equitable level of payment, the following criteria are considered:

1. the earning capacity, obligations, needs and financial resources of the parties, all assets and income, including non-income producing property;
2. the ability of the party seeking alimony to be wholly or partially self-supporting;
3. the time deemed necessary by the court for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;
4. the standard of living of the parties established during the marriage;
5. the duration of the marriage;
6. the contributions, monetary and non-monetary, of each party to the well-being of the family;
7. the age, physical and mental condition of each party;
8. the respective rights of the parties to receive retirement benefits;
9. the ability of the party from whom alimony is sought to meet his/her needs while meeting those of the party seeking alimony; and
10. such other factors as the court deems it necessary or appropriate to consider in order to arrive at a fair and equitable award of alimony.

Even where the divorce is granted on no-fault grounds, fault may be considered by the court in setting an appropriate level of alimony. (In Maryland, before July, 1980, a wife found at fault could not receive alimony.)

Spousal support usually takes the form of a regular monthly payment. In addition to or in lieu of regular monthly payments, a lump sum may be granted. The trend in some jurisdictions is to award rehabilitative alimony, i.e., alimony granted for a specific time period or for a specific purpose. Under the Maryland law effective July 1, 1980, judges will set alimony for specific time periods. Alimony may be awarded for an indefinite period depending on the age, health, and relative earning capacity of the parties. Criteria similar to those listed above will be used to determine both amount and duration of the support.

Theoretically, the courts attempt to set a level of alimony payments which will allow both parties to maintain a standard of living reasonably comparable to that which they enjoyed prior to the separation. While this is not always possible, a wealthy husband would be expected to provide his wife with more than the bare necessities. Alimony payments usually end with the death of the paying spouse or when the receiving spouse remarries.

In general, court ordered spousal support, like child support, may be readjusted at any time if it can be shown that changed circumstances of either party require it. Once alimony has been waived, it cannot be requested so it is important that a spouse not waive all rights irrevocably. There is always the possibility that at some future time, i.e., as a result of illness or accident, there may be need for support. A nominal amount, one dollar a year, is enough to establish the right to alimony and it may be adjusted upward if the situation warrants it.

If alimony payments are not made according to the court's directive, the non-supporting spouse can be cited for contempt of court, forced to make payment through liens on property, have his/her wages garnished and in some jurisdictions, be sentenced to prison. Courts tend to avoid a jail sentence since it obviously does not help to resolve the basic problem of non-payment. Many states, including Maryland, are considering legislation to decriminalize non-support and to provide that courts of equity have jurisdiction to enforce support payments.* The Uniform Reciprocal Enforcement of Support Act (URESA) (see section discussing the Act more fully) has been adopted by most states including the metropolitan area jurisdictions and its mechanisms and provisions apply equally to child and spousal support.

*Maryland is currently considering legislation that would authorize Masters in Prince George's County to make a finding that the non-supporting spouse is in contempt of court.

Child Custody

Many divorcing parents behave in a responsible way in planning for their children's welfare. However, if the parents cannot agree, the court will impose a custody plan. This so-called "custody determination" refers to a court's decisions providing for legal responsibility of the child or children and defines visitation rights of the non-custodial parent. Child support and other monetary considerations are separate issues.

Few states these days hold to the "tender years doctrine" which automatically awarded custody of young children to the mother. More and more men are seeking and getting custody of their children. The judge's decision should be concerned with the "best interest of the child," and will consider all relevant factors, including:

1. the wishes of the child's parent or parents as to his/her custody;
2. the wishes of the child as to his/her custodian;
3. the interaction and interrelationship of the child with his/her parent or parents, siblings, and any other person who may significantly affect the child's best interest;
4. the child's adjustment to his/her home, school and community; and
5. the mental and physical health of all individuals involved.

Uniform Child Custody Jurisdiction Act - UCCJA

In most areas of law, once an issue has been litigated and a court has issued its final decision, the persons involved may not relitigate the same issue before another court in the hope of winning a more favorable decision. This is not true of disputes over child custody. An award of child custody is never final and upon a showing of changed circumstances a request for rehearing is always permissible.

However, antagonistic parents may shop around for a court that might hand down -- from one parent's point of view -- a more favorable decision resulting in shifting young children from parent to parent. To minimize the harmful effects and to discourage costly litigation many states have adopted UCCJA. In the metropolitan area Maryland and Virginia have adopted the Act. Although the District has not formally enacted it, D.C. custody decrees will be honored by the states which have adopted the Act if all parties received notice of the hearing in D.C. and were provided an opportunity to submit evidence on their behalf.

The UCCJA sets up guidelines to help courts determine which is the appropriate court to hear a custody dispute. Once a court has jurisdiction in a child custody dispute, a second court may not assume jurisdiction unless an emergency makes such action necessary or unless the circumstances have changed so drastically that it is no longer practical for the first court to hear the case.

A custody decree issued by a court of one state will not be changed by a court of another state unless it can be shown that the first court for some reason no longer has jurisdiction under the provisions of the Act.

The mere physical presence of the child within the state is not enough to have the court of that state take jurisdiction in a custody dispute, especially if the child has been wrongfully brought into the state in violation of another court's custody award. And the child's absence from a state does not necessarily bar that state from hearing the case if most of the evidence relating to the dispute is located within that state.

To put its policies into effect, the UCCJA requires that a person filing an action pertaining to child custody must give all pertinent information to the court under oath. In addition, the Act sets up a national registry of custody cases which each court must consult before accepting jurisdiction. It also provides that when a parent succeeds in getting one court to assume jurisdiction in a case which makes it necessary for the other parent and possibly witnesses to incur travel expenses, these expenses must be reimbursed by the parent bringing the suit.

The general policies of the Act are intended to include international disputes as well. All states are expected to recognize decrees of other countries whose legal institutions are similar, provided that proper notice and opportunity to be heard is given to all affected persons.

While the intent of the Act is to provide interstate cooperation to return a child who has been "childnapped" to the parent with a lawful custody order, and to provide for the imposition of stiff penalties against the "childnapper," the practice of child snatching has not been eliminated by any means. Reports indicate that the police of many local jurisdictions are very reluctant to be involved in domestic disputes and aren't much help in tracking down a "missing" child if the child is with a bona fide parent and not being ill-treated.

Child Support

Child support obligations exist separate and apart from any alimony or spousal support which might be awarded. Even if the custodial parent does not request or is not awarded alimony in the final divorce decree, the non-custodial parent may also be expected to provide for the support of his or her children until such time as they reach the age of majority (eighteen years). The non-custodial parent may also be expected to pay all or part of the cost of a college education, or payments may continue past the age of majority if the child is handicapped or other special circumstances exist. Some separation agreements require the non-custodial parent to maintain a life insurance policy that names the child or children as beneficiaries. Payments usually end with the death of the non-custodial parent; there is no right of recourse against his or her estate, unless specifically stated in the separation agreement.

There is no general rule of thumb for the level of child support payments. Obviously, needs and resources differ with each case. Ideally, the payments will be set at a level which provides a comfortable amount of support to the custodial parent but is not so burdensome to the non-custodial parent that he or she considers reneging on these obligations. However, since many parties have limited resources it is frequently impossible to meet this ideal. As with alimony, where resources are extensive, the payments would be expected to provide a level of support in keeping with the children's life style prior to the divorce. Also, again as with alimony, either party may petition the court to have the payments increased or decreased, based on a showing of changed circumstances.

Uniform Reciprocal Enforcement of Support Act - URESA

Court orders for support of children or spouse are not automatically paid and, when delinquent, not automatically enforced by the court. If the court decree is not obeyed, if payments are stopped or habitually delinquent, further legal action must be taken by the receiving spouse or the guardian of the children. This action may be difficult enough when both parties live in the same state. When they live in different states or out of the country, the situation is of course more complicated, and it is more difficult to obtain compliance.

The URESA or its equivalent provisions have been adopted by all of the states so that it is now somewhat easier to initiate suit and to collect support payments from the delinquent spouse if the parties live anywhere in the United States. URESA has established a mechanism to facilitate collection from persons residing outside the United States as well. The Act was designed to "improve by reciprocal legislation the enforcement of duties of support" to the spouse or child as ordered by the court. Neither spouse nor child need reside in the same state as the paying spouse. Each state is required to set up a bureau or agency of support enforcement to:

1. compile a list of the courts and their addresses in the state having jurisdiction under the Act and to transmit the information to the state information agency of every state which has adopted the Act or a substantially similar Act;

2. maintain a register of the lists received from other states and transmit copies of the list as soon as possible after receipt to every court in the state having jurisdiction under the Act;
3. send to the court of the state having jurisdiction over either the paying parent or his/her property any documents that it receives from the courts or information agencies of other states.

The Governor of one state may demand from the governor of any other state the surrender of any person who is charged with failing to provide for the support of any person in that state or in another state. The court of one state has the same power to act as the court of the state where the suit is initiated to subject the delinquent paying spouse and to assure compliance with the original court decree. It may require him/her to make payments at specified intervals to the clerk of the court, the bureau of support enforcement of the Social Services agency, or other designated local agency to collect payments. The court may punish the person who violates a support order to the same extent as provided by law for contempt of court in any other suit or proceeding. Therefore, liens may be placed on his/her property, wages may be attached or garnished and employers may be required to make payments directly to the court or agency.

The court may require the delinquent person to pay not only court ordered support payments but any fees that may have been incurred in the process, i.e., fees for filing service of process, seizure of property and stenographic services of both parties.

URESAs Procedures for D.C., Maryland, and Virginia

DISTRICT OF COLUMBIA

- Eligibility -- Free for clients on public assistance; \$20.00 for anyone else.
- File a petition and testimony at 500 Indiana Avenue, N.W., Room 4335, Family Division.
- They will set a hearing ex parte. Normally two weeks waiting period. Certified copies of your petition and testimony and a copy of D.C.'s URESA will be sent to the responding court.
- D.C.'s URESA can be found in D.C.C. 30-301. For more information call 727-1618.

MARYLAND

- Eligibility -- URESA cases are automatically filed for public assistance clients. People who are not on public assistance have to meet certain income guidelines for free filing services. They will not file unless they have the respondent's exact address. The steps are:
 1. Intake for information.
 2. An affidavit is taken to insure the truth (testimony).

3. Petition will be filed through Maryland Circuit Court and stamped by a Judge.
4. The petition, affidavit and testimony is certified. Four copies of each and their URESA Maryland Code is sent to the responding Court.

- Address in Prince Georges County:

14750 Main Street
Upper Marlboro, Maryland
Support Section
State's Attorney's Office
952-4880

- In Montgomery County:

27 Court House Square
Rockville, Maryland 20850
Family Services Room 210
279-8371

VIRGINIA

- No appointment needed. Must have a good address.
- Intake -- Fill out a testimony. They type up a petition. Plaintiff comes in ex parte to swear that everything she has said is true. The petition and the testimony are certified by the clerk of the Circuit Court. Three copies of the Virginia Code of URESA and the petition are forwarded to the responding court. The two courts correspond back and forth until they have the defendant under order. This process takes about three to six months.
- Address in Fairfax County, Virginia

4000 Chain Bridge Road
Juvenile Court, Room 204
Open 8 a.m. - 11 p.m. Monday through Friday
691-2495
- In Arlington County, Virginia

1400 North Court House Road
Arlington, Virginia 22201
Juvenile and Domestic Room 310
9 a.m. - 4:30 p.m. Monday through Friday
558-2231

Property

Division of property is part of any marriage termination. Most divorcing couples will tend to reach an amicable agreement. However, if this is impossible, the court will be asked to determine a plan. The plan will pertain to both real property (land) and personal property (property other than land).

The District of Columbia and Maryland are known as "equitable distribution" states. Regardless of who owns what, or what property is jointly owned, all property (with certain exceptions discussed below) is divided according to what the court feels is a fair distribution. Jointly owned property may be equally divided; it may be given entirely to one of the parties; or it may be split in some other ratio, such as 1/3 - 2/3 or 1/4 - 3/4. In Maryland, the court is empowered to make a cash award in lieu of actually dividing the property. Each party's needs and contributions, as evaluated by the court, form the basis for the division. In addition, in Maryland, the parent who is given custody of the child or children is usually permitted to keep the family home for up to three years. After that time, it may be divided the same as other property.

Virginia is a title property state. This means that jointly owned property is divided equally, while property solely in the name of one party remains in that party's hands. Exceptions are made when the other party can demonstrate that s/he did in fact contribute financially to the acquisition of the property, or that the property was being held in trust for him/her. The court will determine what portion of the property each party is entitled to.

In all three local jurisdictions, property received as a gift or inheritance by either party over the course of the marriage is not included in a property settlement. Such property, like property acquired before the marriage, remains that spouse's separate property. However, the court may take it into consideration when setting the level of alimony and/or child support.

Eight states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington State) are known as community property states. In these states all earnings during the marriage, regardless of the actual dollar amounts contributed by each party, are considered community property and divided equally in case of divorce. Gifts, bequests and property acquired before the marriage also remain the property of the recipient spouse.

Special focus is beginning to be placed on pensions. In many families, the pension of the working spouse is the most valuable asset the family owns. In addition, the non-working spouse may have no other means of support for her/his retirement years than the pension benefits the working spouse expects to receive. Most community property states include some pensions among the marital assets subject to property division. Courts in many equitable distribution states (states that divide property according to fairness and the relative economic situations of the couple rather than by whose name appears on the title to the property) also are beginning to award shares in pensions. Standards for division are unsettled. For example, courts will take an actuarial estimate of the pension's value and award one-half of that value to each spouse. While the law concerning pensions as marital property is just developing, women and their attorneys should be aware that they may be entitled to a portion of their husbands' pensions.

Divorce Procedures

As the initiator of a suit for divorce, you are called the plaintiff. The person you are suing is the defendant. An uncontested divorce is one in which the defendant does not oppose the plaintiff's grounds for divorce and in which any provisions for child support, child custody, alimony or property division have been settled beforehand.

Set forth below are the general procedures for obtaining an uncontested divorce. The procedures are for information purposes only and are not detailed enough for you to rely on them alone if you want to act as your own attorney. Furthermore, it is difficult to estimate how long the whole proceeding may take. A crowded court calendar, difficulty serving your spouse with the divorce papers, and your spouse's failure to file an answer to your complaint initiating the law suit, among other things, can cause delays in the divorce proceedings. Of course, if the divorce is contested, it also will take longer.

DISTRICT OF COLUMBIA

Filing

The divorce action is initiated by filing the Complaint with the Clerk of the Family Division of the Superior Court. The address is: 500 Indiana Avenue, N.W. The filing fee is \$45.00

Service of Process

There are three ways in which to serve the defendant:

1. Personal service -- this can be done by a U.S. Marshal or any resident of the District of Columbia over the age of 18, not the plaintiff or her/his attorney.
2. Service by mail -- a certified letter with return receipt requested.
3. Service by publication -- publication of a legal notice about the divorce in two newspapers, if the plaintiff can show a need for this type of service. The cost of this type of service is the highest -- about \$80 in the District.

Defendant's Answer

The defendant has 20 days to file an answer to the complaint. If the defendant does not answer, the plaintiff must ask the court whether an attorney should be appointed to represent the defendant. If the plaintiff seeks child custody or some form of support, the court will probably require the appointment of an attorney. The plaintiff then must file a motion requesting appointment of an attorney and give the court \$100 to pay the attorney, unless the court waives this fee. The court will act on the motion by appointing an attorney, who must file an answer or a statement that the attorney could not locate the defendant.

Hearing

Uncontested divorce hearings are done in front of a hearing Commissioner rather than in front of a judge. Attending the hearing will be the plaintiff, a witness for the plaintiff, and the defendant's lawyer. The proceedings are recorded on a tape recorder. The witness that the plaintiff brings should be able to testify that the parties are separated, how long they have been separated, and that the separation was voluntary and mutual (if the divorce is to be based on six months voluntary separation).

Final Decree

The divorce is not final immediately. It is final 60 days after the case is docketed. This may be up to a month after the judge signs the divorce decree (which likewise may not happen immediately). If either party is planning to remarry, s/he must wait until these 60 days have passed.

MARYLAND

Filing

The divorce action is initiated by filing the following in the Equity Clerk's office in either the county where the plaintiff resides or where the defendant resides, is regularly employed, or has a place of business. The procedures may vary from county to county but will generally include filing the following:

1. Bill of Complaint for divorce with the filing fee (fee varies from county to county). The procedures to apply for a waiver of the fee vary from county to county. In Prince George's County, the plaintiff must make allegations of need in the complaint and file a financial statement. In Montgomery County, the plaintiff must file an elaborate petition setting forth assets and debts.
2. Financial Statement -- if alimony or child support is asked for in the Complaint, the plaintiff must complete and sign under oath a financial statement. The forms for this are available in the Clerk's office.
3. There are additional fees for pendente lite and other hearings connected with a divorce. In some counties, such as Prince George's County, a hearing fee must be paid in advance.

- In Prince George's County the address is:
- In Montgomery County the address is:

Prince George's County Circuit Court
Court House
Main Street
Upper Marlboro, Maryland 20870
952-3000, ext. 344

Montgomery County Court House
50 Courthouse Square
Rockville, Maryland
251-7063

Service of Process

The defendant can be served by either of these methods:

1. The plaintiff can request personal service by the Sheriff.
2. Private process server: any person over 18, other than a party to the action, can personally serve the defendant. This person must make an affidavit saying when and where the defendant was served.
3. Registered mail -- return receipt requested. This is an acceptable method of service, but only if the defendant him/herself signs the return receipt.

There are special rules for service by publication for a defendant whose whereabouts are unknown, or who acts to evade service. Ask the Clerk, though generally service by publication is expensive.

Defendant's Answer

Maryland is on a system called "return days" which governs the time within which a defendant must be served and file an answer. The return day is usually the first Monday of the upcoming month. The system works like this:

If the plaintiff files a divorce complaint on February 5, 1980, for example, the next return day would be the first Monday in March, which fell that year on March 3. Therefore, by March 3, the defendant must be served and proof of service must be filed in the Clerk's office. The defendant has 15 days after the return day to file an answer, so the answer would be due on March 18. No matter what day of the month the plaintiff files her/his complaint, whether on the 2nd or 25th, the defendant has 15 days after the next return day. During the last few days of the month, however, the Clerk's office starts setting the return day a full month ahead. For example, if a plaintiff files on February 27, the return day would be set in April, not March, unless special arrangements are made.

Hearings

After a motion for decree pro confesso (which can be made when the defendant fails to file an answer on time) is filed or if the defendant files an answer in which all matters concerning the grounds for divorce, custody, alimony and/or support are uncontested the case will be set for a hearing before a Domestic Relations Master. These hearings usually take no more than 15 to 30 minutes at most, and are held in a small hearing room. If the ground for divorce is one year voluntary separation, the plaintiff must show that the separation is both voluntary and mutual. The plaintiff's witness should be able to testify to the mutuality and voluntariness of the separation as well, and preferably that s/he spoke to the defendant who agreed upon and also wanted the separation.

If the amount of alimony or child support has not been agreed on between the parties, the Master will set the amount, based on evidence and testimony of each party's income and need. Note that the Master's authority to hear contested matters is expanding, and local rules should be checked.

Final Decree

The Master recommends that the divorce be granted, and the proposed decree goes to the Judge for his/her signature. It could take a few days to two weeks before it is signed by the Judge. A copy of the decree is sent to the parties or their attorneys. However, there is a 30 day appeal period, during which either party may appeal the findings of the Master. If either party is planning to remarry, s/he must wait until those 30 days are up. If both parties agree, they can ask for a waiver of the appeal time and submit the decree immediately to the judge for his/her signature.

VIRGINIA

Filing

The divorce action is initiated by filing the Bill of Complaint in the Chancery Clerk's Office with a \$31.00 filing fee (plus \$1.25 if the sheriff will serve the summons and complaint). It may be filed in the county or city where the parties last cohabited, where the defendant resides (if in Virginia) or where the plaintiff

resides if the defendant can be served. The plaintiff must also file a completed vital statistics form, available from the clerk, at the time of filing the complaint.

- | | | |
|-------------------------|----------------------------|-------------------------|
| ● In Fairfax: | ● In Alexandria: | ● In Arlington: |
| Fairfax Court House | Alexandria City Hall | Arlington Court House |
| 400 Chain Bridge Road | 130 N. Fairfax Street | 1400 N. Courthouse Road |
| Fairfax, Virginia 22030 | Alexandria, Virginia 22314 | Arlington, Virginia |
| 691-2224 | 750-6000 | 558-2447 |

After the complaint has been filed, check the local court rules to see what else may be required. They vary considerably among jurisdictions, so you will have to check with the clerks of the proper court.

Service of Process

Service is made only by authorized officers (for example, the Sheriff) or by publication. If service is made by publication, the plaintiff will only be granted a divorce. No support awards will be granted. A defendant who is a non-resident or whose whereabouts are unknown may be proceeded against by order of publication. An affidavit must be filed stating that the defendant is not a resident of Virginia or that diligency has been used, without effect, to locate him/her. The clerk where the suit is pending then enters an order of publication against the defendant which states the object of and the grounds for the suit.

Defendant's Answer

The defendant has 21 days to file an answer to the complaint. If the suit is uncontested, the defendant may answer admitting all plaintiff's allegations and waive further notice of taking depositions and all further proceedings. Failure of the defendant to answer is not enough to cause the court to grant a divorce. Even if s/he does not answer, the defendant must still receive notice of all hearings, unless s/he waives such notice in writing.

Hearings

The trial court may require that all or part of the testimony be oral. Here again, the local rules vary. Testimony is taken at a Commissioner's hearing. (The fee for the commissioner is generally about \$75.00 in an uncontested divorce and \$45.00 for the court reporter.)

Once the defendant answers, or the 21 days have passed, and if the county requires a commissioner's hearing, the plaintiff files a decree of reference to refer the case to a commissioner. It is especially important that you check the local rules here. For example, in Alexandria, a "Special Commissioner in Chancery" must be demanded and reference made to "Book 8, page 187" from which they derive their statutory authority. In Arlington, it is sufficient to request that a "Commissioner in Chancery" be appointed.

Final Decree

After the Commissioner's report is filed, a copy of the proposed decree is sent to the clerk of the court. The decree dissolving the marriage is final when signed and may also encompass support, custody, and the resumption of a former name. Costs may be awarded to either party.

Annulment

An annulment is a court decree declaring that a marriage is invalid and therefore never existed. This is different from a decree of absolute divorce which states that, although a valid marriage once existed, it doesn't any longer.

In establishing grounds for annulment, some jurisdictions distinguish between "void" and "voidable" marriages. A "voidable" marriage is invalid only from the date of the court decree of annulment. A "void" marriage is invalid from the beginning, regardless of whether a court ever declares it void. Such a marriage is "void" without a court decree. If a person so chooses, s/he may seek a judicial decree.

It is relatively uncommon for the validity of a marriage to be questioned. In most cases when two people want to end their marriage, the marriage is regarded valid and divorce or separation is the solution. Annulment is not an alternative to divorce. While any valid marriage can be dissolved by divorce, only certain kinds of marriage can be annulled. Furthermore, most jurisdictions will not grant alimony awards after a decree of annulment. Grounds for annulment in the three local jurisdictions are:

- A decree dismissing an annulment action, with no appeal, is conclusive and validates marriage.
- A deed, agreement, or settlement may be incorporated into a decree for annulment.
- Action must be commenced within a reasonable time after knowledge of the defect, or it will be barred.

VIRGINIA

Void

1. Marriage performed prior to dissolution of previous marriage of either party.
2. Marriage between an ancestor and a descendant, or between brother and sister, whether by full or half blood or by adoption.
3. Marriage between uncle and niece, or aunt and nephew, whether by half or full blood.
4. Marriage between people of the same sex.

Voidable

1. Where one of the parties is mentally incapacitated or infirm.
2. Any of the grounds for declaring marriage void, or if made when one party was under duress or defrauded.
3. One of the parties was naturally or incurably impotent at the time of the marriage.
4. One party is convicted of a felony, prior to the marriage, and the other party didn't know of the conviction.
5. Where the woman was pregnant by another man at time of marriage and husband didn't know of the pregnancy.
6. Where the husband fathered a child by another woman, without wife's knowledge, within 10 months after the marriage.
7. Where either the husband or the wife was a prostitute prior to the marriage, and the other party did not know this at the time of the marriage.

Notes:

- Suit for annulment must be filed within two years of the date of the marriage.
- If the innocent party cohabits with the offending party after knowledge of offense, suit will fail.

DISTRICT OF COLUMBIA

Void (Invalid from the beginning of the marriage)

1. Man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter.
2. Women with male relatives, as above.
3. Marriage where either party was previously married and such marriage was not terminated by death or judicial decree.

Voidable (Invalid as result of court decree)

1. Marriage where either party is an idiot or has been adjudged a lunatic.
2. Where consent of either party was obtained by fraud or duress (note: concealment of pregnancy or venereal disease at the time of marriage is fraud).
3. Where either party, at time of marriage, was incapable of physically entering into married state (for example, impotency of the male or physical deformity of the female).
4. Where the male was under 19 or the female under 16 at the time of the marriage and there was no cohabitation after reaching the age of consent.

MARYLAND

Voidable

1. Marriage procured by abduction, terror, duress (must be at actual ceremony) or fraud (must go to the essence of the contract).
2. Mental incapacity of one of the parties.
3. Degree of affinity:
 - male with grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, sister, son's wife, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter.
 - female with male relatives, as above.
4. Conviction of bigamy or proof of a prior existing marriage, without a conviction.

Notes:

- Defenses: voluntary consummation of marriage under duress; cohabitation after knowledge of fraud.

Common Law Marriage

A common law marriage is an agreement between a man and a woman to live together openly as husband and wife and in every way conduct themselves as if they were a married couple. This usually means they will not have obtained a license to marry or observed any of the other statutory formalities of the jurisdiction in which they live.

At the turn of the century, two-thirds of the states recognized common law marriages as valid, providing there was no impediment to the marriage.

At the present time, a common law marriage may be contracted and recognized in thirteen of the states: Alabama, Colorado, Georgia, Idaho, Iowa, Kansas, Montana, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Texas; and in the District of Columbia. Hawaii, Kentucky and Louisiana will recognize common law marriages as valid only in cases where legitimacy of children is involved and where worker's compensation benefits are concerned.

Most of those states which do not recognize common law marriages will, however, recognize such marriages as valid if they were contracted and recognized in a jurisdiction where it is or was acceptable at the time of the "marriage." For example, if a couple entered into a common law marriage in the District of Columbia and subsequently took up permanent residence in Maryland or Virginia, they are a married couple under the laws of those states.

The main elements to a valid common law marriage are: a man and woman holding themselves out as being married, and the implication of cohabitation (a sexual relationship). To determine whether the couple has held themselves out as husband and wife, the court will consider whether they have been accepted as "Mr. and Mrs. John Doe;" whether they owned property, real and/or personal, in common, whether they filed joint income tax returns, etc. In addition, there must have been no impediment to marry at the time the parties entered into the "common law marriage," e.g., if one party is or was under age, or if either party was already married to another person.

If a valid common law marriage exists, all the same rights and responsibilities of the formally married state apply. Many complications could arise when a court is requested to determine the existence of a valid common law marriage. For example, many people assume that a common law marriage can be dissolved without a formal divorce. They therefore leave a common law marriage and then contract either a ceremonial marriage or enter into another common law marriage, without having terminated the first marriage.

A man and woman who live together, even for many years, but who openly declare that they are not a married couple will not have contracted a common law marriage. Whether either partner can then sue for spousal support or "palimony" if they should separate under those circumstances is an open question since Marvin v. Marvin. California is not a common law marriage state, but the same concept might be invoked by one of the parties in similar circumstances in any jurisdiction.

Remedies of Sorts for Battered Women

Spousal and family abuse are broad concepts, and the range of people who are abusers and abused is very wide. No economic class, ethnic or racial group, or geographic location is free from its effects. Unfortunately, abuse is very prevalent in society.

The definition of abuse is a very personal, individual matter. Abuse can take the form of a slap or range anywhere from a kick to stabbing or shooting. There is also sexual abuse -- forced sexual acts. Abuse can be psychological -- threats are abuse, as is anything that instills fear for a woman's safety or well-being. Although we use the term "spouse" in talking about abuse, we are using the term to refer to an individual's mate, whether married or not.

The legal alternatives for abused women differ in all these jurisdictions. The effectiveness of these remedies, as well as the responsiveness of police and the courts, can change even within neighborhoods or counties of each jurisdiction. See the Appendix for places that will provide both concrete help and emotional support for battered women.

DISTRICT OF COLUMBIA Criminal Proceedings

1. Call the police. Always get the names and badge numbers of police who respond to your call. If no one responds, call again and complain.
2. If the abuser is arrested, he will be taken to the nearest precinct station, appear in court the next morning and a bond can be posted for his release. Most often he will be released on his own recognizance. The determination whether or not bond will be posted depends on the severity of the case, if the abuser has a record, or if the abuser is on probation.

Civil and Criminal Remedies

If no arrest is made, or in cases where the police are not called, you can go to the Citizens' Complaint Center and file a complaint.

Citizen's Complaint Center
Superior Court Building A
5th and F Streets, N.W. (F Street Entrance)
724-7577

1. When filing a complaint for civil or criminal relief at the Citizen's Complaint Center, the process starts with an interview by a paralegal who will decide what, if anything, can be done to assist you. Be sure to include all details of your story. The paralegal who interviews you can do any one of the following:
 - Schedule an informal hearing for mediation for you and your abuser. This hearing is very informal and it is a volunteer process to attempt to help both of you resolve the problem.

- Refer to the Assistant United States Attorney (AUSA) who has the authority to prosecute (bring charges against) the person who abused you. This happens rarely and only if the abuse is extremely severe or if a weapon is involved. (If you want to prosecute, you must convince the paralegal and AUSA that you will follow through.)
 - Refer to the Social Services Division.
2. In the Social Services Division, a social worker can:
- Counsel you.
 - Refer you and your spouse to counseling resources.
 - Refer you to the Corporation Counsel or U.S. Attorneys Office. A referral may only be made to the Corporation Counsel if you and your abuser are living together or have been separated for no longer than 15 days.
 - Make a recommendation to the Corporation Counsel or the U.S. Attorney's Office as the worker deems appropriate.
3. The Corporation Counsel has a choice of remedies:
- S/he can make referrals to private attorneys if you want to take legal action such as divorce.
 - S/he can send a warning letter to the abuser if it appears that you, the victim, are not in immediate danger.
 - S/he can act as attorney for you in filing for a Civil Protection Order or a Temporary Protection Order. These are orders from the court forbidding your spouse to beat, harass, or threaten you. Sometimes the orders can instruct the abuser to get counseling. Protection orders are civil, not criminal, proceedings. Your spouse will have an arrest record only if he violates the order. If he does violate the order, you should return to the Corporation Counsel's office immediately, and ask to have the abuser held in contempt of court (for violating the court order). This violation is punishable by up to six months in jail and a \$300.00 fine. Do not expect the police to arrest your abuser based on the fact that you have a protection order.

MARYLAND

There are two legal alternatives to dealing with spouse abuse: criminal proceedings and civil action.

Criminal Proceedings

1. You must complain to the police to get criminal prosecution. Be sure to get the number of the complaint report from the police for your records.
2. Go to the nearest District County Commissioner's office. Give a brief statement about what happened; cover all of the facts. Fill out the paperwork for warrant summons. You should also request an ex parte order at the

time of filing the complaint so that your husband can be evicted from the home for five days. The Commissioner will either issue a warrant or refer your case to the State's Attorney's Office for screening. If a warrant is issued, your abuser will be arrested and probably released on his own recognizance. A court date will be set. Make sure you attend or the case will be thrown out. You don't need a lawyer; the government will represent you.

For Prince George's County go to:

5012 Rhode Island Avenue
Hyattsville, Maryland
699-2650

7200 Livingston Road
Oxon Hill, Maryland
567-4933

601 Addison Road
Seat Pleasant, Maryland
925-8200

Main Street
Upper Marlboro, Maryland
952-3414

For Montgomery County go to:

2300 Randolph Road
Wheaton, Maryland
949-7831

801 Sligo Avenue
Silver Spring, Maryland
589-4084

1451 Seven Locks Road
Rockville, Maryland
340-0160

7259 Wisconsin Avenue
Bethesda, Maryland
652-0362

3. A criminal proceeding is not part of a divorce or separate maintenance action, and criminal proceedings can vary from county to county.

Civil Remedies

1. Separate from your husband. After you have become settled in your new environment, it would be beneficial to see an attorney so that your rights concerning child custody, support and property division can be protected. If the attorney tells you to return to your spouse or else you may stand to lose custody, alimony, property, etc., seek a new attorney!
2. Obtain a limited divorce. A limited divorce is granted by a court and may include an order for custody and support of children and support of spouse if appropriate. The husband and wife are legally separated but they are not free to remarry. (See the section on Limited Divorce and Legal Separation for the grounds for limited divorce.)
3. Or obtain an absolute divorce. An absolute divorce dissolves the marriage and the parties are free to remarry. (See the section on Absolute Divorce for the grounds for an absolute divorce.)

4. Protection Order. Go to the District Courthouse and apply for a protection order. The court may grant a protection order that requires a violent spouse or parent to vacate and stay away from the family home for up to 5 days. It also may award the party who remains in the family home temporary custody of the children. This order may be extended for 10 days more at a hearing held upon the expiration of the original order.

VIRGINIA

Criminal Proceedings

1. Call the police: If they don't make an arrest, they will advise you how to seek an arrest warrant, stand for a safe exit, and will transport you to a hospital or magistrate whenever possible.
2. Go to a magistrate if you wish to swear out an arrest warrant. If a warrant is issued, an arrest will be made, a court date will be set, but the person arrested will usually be released on personal recognizance or bail within an hour or two.
3. You must go to court on the court date or else the case will be thrown out. You do not need a lawyer; the Commonwealth Attorney's office will represent you. Call them in advance of your court date to indicate your wish to proceed with the prosecution and to prepare for court.

Civil Remedies

1. Separate from your husband. (See discussion in Maryland section above.)
2. Divorce -- There must be a one year separation for a "no fault" divorce. You can also seek a fault divorce for which you will need a lawyer. To petition for child custody and support, go to the Juvenile and Domestic Relations Court -- you do not need a lawyer for this petition.
3. Restraining Order -- A restraining order prohibits further abuse. Violation of the order constitutes contempt of court. You can get a restraining order as part of a divorce suit or a separation agreement. It can also be issued by a judge who hears the assault case.

Again, if you are being abused, check the Appendix for lists of shelters, counseling resources, legal assistance and other organizations that may be able to assist you to leave an abusive situation.

Choosing an Attorney

If you have a domestic relations problem, you should know several things about hiring and dealing with attorneys before you choose someone to represent you. We have listed several important points below:

1. You are the boss. You hire the attorney and s/he represents you. If there are certain things you want him/her to do, tell him/her so. If you are uncertain about something s/he says, ask for an explanation. If you are unhappy with the services, complain. Finally, if you are really unhappy, fire her/him.
2. Attorneys charge fees. Before you make an appointment, find out if there is a charge for the initial consultation. There usually is. Understand that attorneys charge for everything that they do -- write letters, make phone calls, go to court, etc. Avoid calling your attorney every day with a new question, unless you are prepared to pay for the time the attorney spends on the phone with you.
3. Be clear about the fee arrangement. Find out what the attorney's hourly rate is and what it covers. If the attorney wants you to pay a retainer, make sure of what that retainer covers. If you hire the attorney, get a written statement of your fee arrangement. Finally, ask for a complete, itemized bill. That way you will understand what you are paying for.
4. Be prepared for your first meeting with the attorney. Bring all important papers with you. For example, if you've been served with a complaint, or your husband has sent you a separation agreement he wants you to sign, bring it to the attorney. If you are seeking child support and/or alimony, bring documents that show your financial position.
5. Be truthful with your attorney. S/he cannot assist you if s/he doesn't know the full story. Anything you tell your attorney is confidential. Attorneys are bound by their canons of ethics not to reveal the confidences of their clients.
6. Draw up as complete a list as possible of what you feel would be an equitable division of property and responsibilities. (See section under Separation Agreements.)
7. You are not obliged to hire the first attorney you talk to . Nothing prevents you from having initial interviews with several attorneys so that you can choose the one you feel will represent you best. Remember, some attorneys charge a fee for initial consultations.
8. If you are having problems with your attorney, let her/him know. Speak to her/him over the phone or make an appointment to discuss your difficulties. If your attorney doesn't return your phone calls, is too busy to see you, or does not respond adequately to your complaints, send a letter that sets forth your questions and problems. The letter should indicate that you expect a response by a certain date, and that if you receive none, you will seek another attorney. Do not be afraid to fire your attorney!

Remember that your attorney is working for you. However, the law may not be as fair as you think it ought to be, and your attorney may be telling you something you don't want to hear. Learn to distinguish between poor representation and advice that is correct but disagreeable.

Resources for People in Domestic

This resource list, accurate as of February 1982, does not claim to be complete. For a more complete list, or for more up-to-date information, call WLDF at 887-0364.

DISTRICT OF COLUMBIA

Shelters and Emergency Assistance

My Sister's Place
Shelter for battered women and
their children, 24-hour hotline
529-5991

House of Ruth
Shelter for battered women,
24-hour hotline, 2 meals
provided each day
547-2600

House of Imagene
797-7460

Hotline for the Deaf
864-4488 TTY, 8:00 a.m. - midnight

Salvation Army
Emergency shelter for women and
children
783-4058, 8:30 a.m. - 4:30 p.m.

D.C. Emergency Family Shelter
727-0672
after 8:00 p.m. call 727-0995

FACT (Families and Children in
Trouble)
Counseling and referral primarily
for child abuse
628-FACT, 24 hours

Legal Assistance

If you are not eligible for free legal assistance, call the Women's Legal Defense Fund at 887-0364, or the Lawyer Referral and Information Service of the D.C. Bar Association at 638-1509, for referrals to private attorneys.

Neighborhood Legal Services
Family Law Unit
628-9161, 9:00 a.m. - 5:30 p.m.

Legal Aid Society
Family Branch
628-1161
727-2147

Antioch Law School
Family Clinic
265-9500, 9:00 a.m. - 5:00 p.m.

George Washington University
Legal Clinic
676-7463, 9:00 a.m. - 5:00 p.m.

Columbus Community Legal Clinic
526-5800, 9:00 a.m. - 5:00 p.m.

Women's Legal Defense Fund
887-0364, 9:00a.m. - 5:00 p.m.
Ayuda
387-4848

Social Services and Public Assistance

Department of Human Services
Call for your branch office
location
724-5188, 8:15 a.m. - 4:45 p.m., M-F

Payments Assistance Administration
Call for your branch office
location
727-0858, 8:15 a.m. - 4:45 p.m., M-F

Crisis

Counseling and Support Groups

Family and Child Services
Group, individual, and family
counseling; has battered
women's support group
289-1510

Everywoman's Place/YWCA
Women's support groups
638-2100 X41

MESA (Men to End Spouse Abuse)
Counseling and support for
abusive men
387-3339

Andromeda Hispano Mental Health
Center
Counseling for battered women,
families and abusers
667-6766

MARYLAND

Shelters and Emergency Assistance

FISH in Rockville
Food, clothing, temporary
shelter, and transportation
762-6277

Montgomery County Hotline
Counseling, referrals
949-6603, 24 hours

Bethesda Help
Emergency food, transportation,
shelter
652-1313

HELP Center
Counseling, referrals
454-HELP voice, 454-4167 TTY
noon-midnight

Prince George's County Hotline
Counseling, referrals
577-4866, 4:00p.m.- midnight, 7 days/week

Emergency Housing of Prince George's
County
Temporary emergency shelter
927-4600 x 260/261

Bethesda Crisis Center/Abused
Persons Program
Counseling, shelter for abused
persons; counseling for abusers
654-1881, 24 hours

Bowie Hotline
Counseling, referrals
262-AIDE, 4:00 p.m.- midnight
Monday-Saturday

Battered Partners Program
Westminster, Maryland
848-5060

Citizens Against Spousal Assault
Columbia, Maryland
997-2272

Fredrick County Battered Spouse
Program
662-2873

Legal Assistance

Legal Aid Bureau
(Montgomery and Prince George's
Counties)
445-0200, 9:00 a.m. - 12:00 noon,
Monday, Wednesday, Friday

TESS Community Center
(Montgomery County residents)
565-7675

Prince George's County Bar
Association
Lawyer Referral Service
227-1180, 9:30 a.m. - 4:00 p.m.
Volunteer Legal Aid Program
779-4523, 9:30 a.m. - 4:00 p.m.

Social Services and Public Assistance

Prince George's County Department
of Social Services
927-4600 x 435, 8:30 a.m. - 4:30 p.m.

Montgomery County Social Services
General information
279-1000
Public assistance
468-4301
Family Services
468-4354

Counseling and Support Groups

Women's Center and Referral Service
Adelphi, Maryland
937-5265

A Woman's Place
Montgomery County Commission for
Women
Rockville, Maryland
279-8346

Women Against Domestic Abuse
P.G. County Commission for Women
Upper Marlboro, Maryland
952-3383

Family Services of P.G. County
Lanham, Maryland
459-2121

TAB (Therapy for Abusive Behavior)
Counseling for abusive men
761-7446

VIRGINIA

Shelters and Emergency Assistance

Fairfax County Women's Shelter
Shelter for battered women and
their children
435-4940, 24 hours

Alexandria Women's Shelter
Shelter for battered women and
their children
838-4911, 24 hours

Christ House
Emergency shelter; accepts single
men, women with children,
whole families. No single
women
549-8644

FISH in Alexandria
Emergency help
549-4441

Alive

Emergency temporary shelter; help
with food and emergency money
needs
836-2723
548-0059

Alexandria Hotline
548-3810, noon - midnight

Legal Assistance

Alexandria Legal Aid
838-4080

Arlington Legal Aid
558-2998

Fairfax County Legal Aid Society
691-0600

Arlington County Legal Services
841-0304

Social Services and Public Assistance

Fairfax County Department of Social
Services
385-8883

Arlington County Department of
Human Resources
Information
558-2105
Social Services
558-2892

Alexandria City Department of Social
Services
838-4224

Counseling and Support Groups

Northern Virginia Family Services
(in Alexandria, Falls Church,
Vienna, Woodbridge)
533-9727, 549-3814
Monday, Thursday, Friday -
9:00 a.m. - 5:00 p.m.
Tuesday - 1:30 p.m. - 9:00 p.m.
Wednesday - 9:00 a.m. - 9:00 p.m.

Alexandria Social Services
Office on Women
838-4900, 9:00 a.m. - 5:00 p.m.

Human Services Information and
Referral (in Fairfax)
691-3253

Fairfax County Victim Assistance
Network
(Fairfax residents only)
360-7273, 24 hours

Northern Virginia Information and
Counseling
Counseling Center for Women
281-2657, 9:00 a.m. - 5:00 p.m.

Arlington County Mental Health
Department
Domestic Violence Program
558-2489

Turning Points
Counseling for abusive men
(703) 221-1746
(703) 221-7852

Women's Center
323-7791

Approved For Release 2008/09/17 : CIA-RDP90B01370R000100110031-5

**Women's
Legal Defense
Fund**

2000 P Street, N.W., Suite 400
Washington, D.C. 20036
202/887-0364

Approved For Release 2008/09/17 : CIA-RDP90B01370R000100110031-5